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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,406	09/29/2000	Benoit Vialle	24530.00600	9675

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EXAMINER

BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,406

Applicant(s)

VIALLE ET AL

Examiner

X L Bautista

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hawkins et al* (US 6,516,202 B1) and *Urs* (US 6,408,176 B1).**

Claims 1 and 17:

Hawkins discloses a method and apparatus for an organizer (personal digital assistant) that may receive a cellular portion to form a cellular telephone. Hawkins teaches initiation of the call device in response to a call signal (col. 3, lines 35-45; col. 4, lines 35-36); displaying a selectable interface of the call device in response to the call signal (fig. 8A, 8B; 9B); the selectable interface is configured to

substantially emulate a dial pad of a handheld touch tone phone; receiving a dial signal from the selectable interface to initiate a phone call; and initiating the phone call in response to the dial signal (fig. 8A; col. 7, lines 12-60). Hawkins does not teach that a phone call is placed to a last entered phone number if digits are not received just before a dial signal is received from a call initiation button. However, Urs discloses a method for initiating communication in a communication system wherein caller-related information is used for placing a phone call or returning a voice mail call without having to write the telephone number manually; the user may press a SEND button and then particular caller-related information is used for initiating the return call (including a last entered number), (col. 3, lines 51-67; col. 4, lines 1-21). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hawkins's mobile computer to include a redial or call-previously-entered-phone-number features because it saves the user precious time (especially when the phone number that is being called is busy for a long time or when several continuous calls to the same number are necessary) by enabling the caller to just press the SEND button over and over again until the call gets through.

Claims 2, 10, and 18:

See claim 1. Hawkins/Urs teaches a voice connection button 356 for

initiating a voice connection to receive or place a voice telephone call, and a data connection button 357 for initiating a data connection for access to the WWW (Hawkins: col. 3, lines 35-48); and initiation of a phone call to a last entered phone number if digits are not received just before the call initiation button is activated (Urs: col. 3, lines 51-67; col. 4, lines 1-21).

Claims 3 and 19:

Hawkins teaches a dial pad screen 815 having a talk button icon (send button), (fig. 8A).

Claims 4, 13, and 20:

Hawkins teaches suspending a current application when the application is other than the call device (col. 4, lines 28-36).

Claims 5 and 21:

Hawkins teaches a log of past dialed and/or received calls that provides the user with a list of most recent phone calls and enables the user to redial a desired phone number (col. 6, lines 61-67; col. 7, lines 1-7; fig. 8B (call back icon)).

Claims 6 and 22:

Hawkins teaches searching the memory of the organizer for a name associated with a phone number (col. 7, lines 64-67; col. 8, lines 1-8).

Claims 7 and 23:

Hawkins teaches a timer configured to clock a duration of the connection with other phone device (col. 7, lines 28-31; col. 8, lines 40-46; col. 12, lines 44-46).

Claims 8 and 24:

Hawkins teaches receiving a save signal to save a phone number and initiating an address entry application in response to receiving the save signal (col. 5, lines 27-34; col. 6, lines 27-36, 64-67; col. 7, lines 1-6; col. 8, lines 47-52; col. 12, lines 4-5, 16-26).

Claims 9 and 25:

Hawkins teaches a screen that provides the options of hanging up (ending connection), (col. 7, lines 42-44).

Claim 11:

Hawkins teaches that phone calls are placed and received (send, answer, ignore calls) according to the user selections (col. 7, lines 43-60; fig. 8B).

Claims 12, 14, and 15:

Hawkins teaches a display device that is a touch-sensitive screen, having software-generated keys (col. 2, lines 47-54), that identifies a tap input from a user (fig. 8A-8B; col. 6, lines 61-67; col. 7, lines 1-7).

Claim 16:

Hawkins teaches a microphone connected to the organizer, which is configured to receive audio input from a user (col. 3, lines 23-28; col. 11, lines 38-48). The microphone may be deactivated when the user terminates a call by pressing the touch pad (for example by pressing the hang up icon).

Conclusion


4. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents (US patents) cited therein teach redialing or placing a call to a previously entered phone number just by pressing a talk (SEND) button; and the MacUser article discloses an entirely pen-based PDA having no mouse or keyboard; it contains no physical buttons.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on Monday-Thursday (8:00-18:00), Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the

Examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista
Patent Examiner
Art Unit 2173

xlb
April 30, 2004